



BILL NO: Senate Bill 889
TITLE: Family Law - Child Custody Actions - Considered Judgment of Minor Children
COMMITTEE: Judicial Proceedings
HEARING DATE: March 10, 2022
POSITION: **OPPOSE**

The Maryland Network Against Domestic Violence (MNADV) is the state domestic violence coalition that brings together victim service providers, allied professionals, and concerned individuals for the common purpose of reducing intimate partner and family violence and its harmful effects on our citizens. **MNADV urges the Senate Judicial Proceedings Committee to issue an unfavorable report on SB 889.**

This bill establishes a rebuttable presumption in child custody cases that a minor child who is at least age 13 has considered judgment. It further requires a child advocate attorney be appointed to represent the child and the child may file motions and testify regarding the child's preferences as though the child were a party.

SB 889 does not contemplate the traumatic impact that placing a 13-year-old child as essentially a party in their own custody case might have on them. It also does not address the extraordinary costs that might be imposed on families to pay for a child advocate attorney if they are not eligible for a fee waiver. While it is appropriate in some cases for children to have an attorney appointed on their behalf the rebuttable presumption created in HB 889 would require an attorney be appointed in every case in which there is a child over the age of 13.

Current Maryland Rules allow for the appointment of an attorney for a child at the court's discretion and indicates that it may be most appropriate in certain circumstances including cases that involve family violence. MNADV believes that the existing rules are sufficient to address the need for appointment of an attorney for a child both over the age of 13 as well as younger and that the rebuttable presumption and assumption that every custody case involving a child over the age of 13 is both harmful and unnecessary.

For the above stated reasons, the **Maryland Network Against Domestic Violence urges an unfavorable report on SB 889.**